

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

ROBERT W. CLOUGH, II, on behalf of
himself and others similarly situated,

Plaintiff,

v.

PLYMOUTH ROCK ASSURANCE
CORPORATION and AVENGE DIGITAL,
LLC,

Defendants.

CIVIL ACTION NO. 1:20-cv-00345-LM

**DECLARATION OF HARRY M. BAUMGARTNER, ESQ. IN SUPPORT OF
DEFENDANTS PLYMOUTH ROCK ASSURANCE CORPORATION AND
AVENGE DIGITAL LLC'S MOTION TO DISMISS THE COMPLAINT**

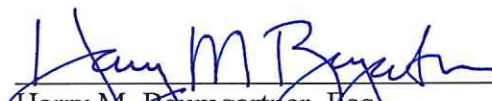
I, Harry M. Baumgartner, Esq., state under the penalties of perjury as follows:

1. I am over the age of eighteen years old.
2. The facts set forth in this affidavit are based on my personal knowledge. To the extent that any facts are based on information and belief, I believe them to be true to the best of my knowledge.
3. I am the General Counsel and Secretary of Plymouth Rock Management Company of New Jersey.
4. Plymouth Rock Assurance Corporation, which is a Massachusetts insurance corporation with its principal place of business at 695 Atlantic Avenue, Boston, Massachusetts, is not the proper party to this action. Plymouth Rock Assurance Corporation has no known relationship with Defendant Avenge Digital, LLC, and had no contact or relationship with Plaintiff Robert W. Clough, II.

5. Plymouth Rock Management Company of New Jersey, which is a New Jersey corporation with its principal place of business at 581 Main Street, Woodbridge, New Jersey, is the legal entity with which Defendant Avenge Digital, LLC, had a contractual relationship.

6. Attached to this Declaration as Exhibit 1 is a true and accurate copy of the contract between Plymouth Rock Management Company of New Jersey and Avenge Digital, LLC.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 15th DAY OF JUNE 2020.



Harry M. Baumgartner, Esq.
General Counsel and Secretary,
Plymouth Rock Management Company of New Jersey

CERTIFICATE OF SERVICE

I, Joseph M. Cacace, hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Joseph M. Cacace
Joseph M. Cacace

Dated: June 15, 2020